

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
(Pittsburgh Division)**

KAREN GORECKI, Individually and on)	
behalf of all others similarly situated,)	
)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2:18-cv-35-MRH
)	
CLEARVIEW ELECTRIC, INC.)	
d/b/a CLEARVIEW ENERGY, INC.,)	
)	
)	
)	
Defendant.)	
_____)	

**DEFENDANT’S OPPOSED MOTION TO DISMISS PLAINTIFF’S COMPLAINT FOR
FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED**

Defendant Clearview Electric, Inc. d/b/a Clearview Energy, Inc., (“Clearview”), by and through its undersigned counsel, moves to dismiss Plaintiff’s Complaint in its entirety because it fails to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6). In support thereof, Clearview refers the Court to the accompanying brief filed herewith.

Statement Regarding Plaintiff’s Position on this Motion

Pursuant to the Court’s Standing Order and Procedures on Civil Motions Practice, ECF No. 4, Plaintiff’s counsel opposes the relief sought herein.

Dated: March 2, 2018

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT, LLC

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Clearview Energy, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on the March 2, 2018, the foregoing DEFENDANT'S OPPOSED MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED was filed via the electronic CM/ECF system of the United States District Court for the Western District of Pennsylvania, which will send a notification of such filing (NEF) to the following:

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Dated: March 2, 2018

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